IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.
FIRST APPEAL NO.627 OF 2005.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.A. Utangikar for the respondent No.1.

CORAM : R.M. S. KHANDEPARKAR AND
ANOOP V. MOHTA, JJ.
DATE : 07.06.2005

. Heard the learned advocate for the respondent No.1. None present for the appellant. When the matter came up for hearing on 5th of April, 2005, it was clarified by the advocate for the appellant that the appeal is restricted against the respondent No.1 alone. It is the contention of the appellant that since the respondent No..1 has remarried after the death of her first husband, she is not entitled to claim compensation in relation to the death of first husband. In

fact the law on this fact is well settled and that has been elaborately clarified by the learned Single Judge, who is one of the member of this Bench **(Shri Anoop V. Mohta, J.) in the matter of (Maharshtra State Road Transport Corporation, Amravati V. Darbkhan S/o Dafedarkhan and others(reported in (2005 (1) Mh.L.J.51**. It has been clearly observed that, " her entitlement cannot be curtailed or taken away only because she married lateron. The widow cannot wait for compensation to come and then decide for another marriage. The realities of life cannot be overlooked. There is no bar or anything pointed out under any provisions of law that that such widow, after marriage is disentitled for claim on the death of the deceased."

2. Indeed none of the provisions of Motor Vehicle Act or any other provisions provides any bar to claim compensation merely because the widow gets remarried. Being so there is absolutely no substance in the challenge to the impugned award on the ground of remarriage of the respondent No.1.

3. The impugned award being not challenged on any other ground there is no necessity to interfere with the impugned award. Therefore, the appeal is liable to be summarily rejected. Accordingly appeal is summarily dismissed.

(R.M.S.KHANDEPARKAR, J.)

(ANOOP V.MOHTA,J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO. 1537 OF 2005
IN
FIRST APPEAL NO. 627 OF 2005.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. M.A. Utangikar for the respondent No.1.

CORAM : R.M. S. KHANDEPARKAR AND
ANOOP V. MOHTA, JJ.

DATE : 07.06.2005

. In view of the dismissal of the First Appeal No. 627 of 2005, the application does not survive and hence, dismissed.

(R.M.S.KHANDEPARKAR, J.)

(ANOOP V.MOHTA,J.]